

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 11-8-72 by Plaintiffs

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

MILDRED AGEE, GEORGE FOWLER,
WALLACE HUDSON, and JOHN SEARCY, each
on behalf of themselves and on behalf
of all other persons who to their damage
at any time during the period from
May 1, 1970 to Jan. 1, 1972, purchased
Lifetime Contracts (Form LSC0-1) from
Preferred Security Life Insurance Company

vs

~~JOE B. HUNT, INSURANCE COMMISSIONER OF STATE OF OKLAHOMA~~
~~PREFERRED SECURITY LIFE INSURANCE COMPANY~~
~~OF OKLAHOMA, *PREFERRED SECURITY CORPORA-~~

~~TION, *BILL D. BALLARD, A. L. BENNETT,~~
~~*ATKIN C. FLETT, K. W. FRISBY, M. C. FUQUY,~~
~~O. G. GARRIOTT, F. GASS, *W. E. GOLDEN,~~
~~*E. WENDELL HURT, H. R. KROB, *G. E. McARTHUR,~~
~~*N. R. PILGRIM, W. N. PRITCHETT, *BOB J. ROGERS,~~
~~F. H. ROGERS, and JOHN DOE, RICHARD ROE,~~
X CORPORATION, Y CORPORATION (the correct
names of the last named defendants are
presently unknown to the plaintiffs and will
be supplied by amendment); and other
controlling persons of Preferred Security
Life Insurance Company of Oklahoma

For ²³²⁻¹⁰⁵⁷ Harry T. Hudson
K. W. Frisby, 1101 Cravens Bldg
Okla City, Ok 73102

{ Ferrill H. Rogers ⁷³⁰⁻¹⁵⁶⁵
{ 1420 City National Bank Tower
{ Oklahoma City, Okla 73102
{ -for defts *

For plaintiff:

Frederic Dorwart, ✓
Holliman, Langholz, Runnels & Dorwart

⁵⁸⁴⁻¹⁰¹²
ROYCE SAVAGE, SPECIAL MASTER(587-0005)

For Defendant:

Paul E. Northcutt (McArthur)
P. O. Box 1669 ⁷⁶²⁻¹⁶⁶²
Ponca City, Okla. 74601

For defendant:

Gene Stipe
Stipe, Gossett and Stipe
323 East Carl Albert Parkway
McAlester, Okla. 423-0421

(for Bennett & Gass)
James O. Ellison FRED NELSON, (Hall,
914 World Bldg (805 NBT Bldg. Estill
Tulsa, Okla 74103 Tulsa, OK 74103

Mike Kirschner (Pref. Sec. Life)
4545 N. Lincoln Blvd. ⁴⁶⁹⁻⁵⁴⁵⁴
Okla. City, Okla. 73105

⁵⁸³⁻¹⁰¹²
Deryl L. Gotcher, ⁵⁸³⁻¹⁰¹² Lugan, Pritchett, ⁵⁸³⁻¹⁰¹² ⁵⁸³⁻¹⁰¹²
Jones, Givens, Brett, Gotcher, Doyle &
Atkins, Inc., 1700 4th N.B., Tulsa 74119

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed ¹²⁻¹⁻⁷²	Clerk	11-8-72	Dorwart	15 00	15 00
J.S. 6 mailed ⁹⁻¹⁻⁷⁶	Marshal	11-9-72	C.d.No.21		
Basis of Action: Class Action	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-8-72	Complaint, with request for jury, filed. Summons, issued. g	
11-29-72	First written interrogatories, filed. hm	
11-29-72	First request for admissions, filed. hm	
12-1-72	Appl. for Additional Time to Answer, filed by Deft.s. v Order, filed as part of pldg., granting Deft.s 15 additional days in which to answer. (JCS-Acting Clk.)v	
12-7-72	Returns on service of summons, filed: served Maurice C. Fuquay and A. L. Bennett at Ok. City, 11-10-72; served Bill D. Ballard, W. N. Pritchett, N. R. Pilgrim, W. E. Golden, Atkin C. Flett, Bob J. Rogers, F. H. Rogers, H. Krob, Preferred Security Life Ins. Co. of Okla., & Preferred Security Corp., at Okla. City, all on 11-13-72; served O. G. Garriott at Enid, Ok. 11-13-72; F. Gass at Stillwater, Ok., 11-13-72; G. E. McArthur at Ponca City, Ok. 11-13-72; E. Wendell Hurt on 11-30-72 and Kennetg W. Frisby 12-1-72, both at Edmond, Ok. USM \$107.16)g	
12-12-72	Second Written Interrogatories, filed by Pltf.s. v	
12-12-72	Appl. for order Respecting Communications with Class Members, filed. v	
12-12-72	Memorandum in support of appl., filed. v	
12-18-72	Appl. for Protective order regarding written interrogatories and requests for admissions, filed by defts. v -order to Judge.	
12-18-72	Motion to Dismiss Complaint as to Preferred Security Corp., filed by the same, with brief in support attached. v	
12-18-72	Motion to Dismiss Complaint, filed by Deft.s. v	
12-18-72	Deft.s' Brief in support of motion to dismiss complaint, filed. v	
12-18-72	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Deft.s Motions to Dismiss. (AEB-J)v	
12-29-72	Appl. for Extension of Time to Respond to Deft.s Motion to Dismiss, filed. v -order as part of pldg., all to Judge.	
1-3-73	Order filed that plaintiffs granted additional 15 days to plead filed . (AEB-J)h	
1-3-73	Order for the prevention of petential abuse of class actions filed. (AEB-J)h	
1-3-73	Order filed that defs are not required to file objections, etc. (AEB-J)h	
1-10-73	Pltfs' brief in response to mot. to dismiss, filed. g	
1-11-73	Application for order requiring defendants to proceed with pre-trial discovery filed by plaintiffs. h (order to judge)	
1-11-73	Memorandum brief in support of application for order requiring def- endants to proceed with pre-trial discovery filed. h	
3-2-73	Request for Production of Documents Under Rule 34, filed by the Pltf. to Preferred Security Life Insurance Co. of Okla. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-2-73	Pltfs' Motion for Class Action Determination, filed. v	
3-2-73	Pltf.s' Brief in support, filed. v	
3-2-73	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltfs' Motion for Class Action Determination. (AEB-J)v	
5-25-73	Notice, filed, that Court will treat the Motion to Dismiss filed herein as a Motion for Summary Judgment, & parties are directed to proceed in conformity with Rule 56 of FRCP. (AEB-J)v -copies mailed.	
5-25-73	Order, filed, vacating order of January 3, 1973, that stayed pre-trial discovery pending the resolution of Deft.s' Mot. to Dismiss, is now vacated. Further ordered that Deft.s respond to Pltfs' complaint within 15 days of this date. Further ordered that all parties complete discovery within 60 days from this date. (AEB-J)v -copies mailed.	
5-25-73	Order, filed, overruling Pltfs' Appl. for Order Requiring Defts to Proceed with Pretrial Discovery. (AEB-J)v -copies mailed.	
5-25-73	Order, filed, overruling motion to dismiss complaint as to Preferred Security Corp. (AEB-J)v -copies mailed.	
6-5-73	Pltfs' Third Written Interrogatories, filed. jj	
6-11-73	Answer of the defendants Preferred Security Life Ins. Co. of Okla, Preferred Security Corp. and the named individual defendants, filed. ds	
6-28-73	Appl. of defts. for ext. of time to answer or obj. to interogs., filed. g	
6-28-73	Order granting defendants until 7-15-73 to answer or file objection to pltfs. 1st, 2nd, & 3rd interrogatories, filed. (AEB-J)g cpies mailed.	
7-16-73	Application of defendants for extension of time within which to answer or file objection to plaintiffs' first, second and third interrogatories under Rule 33 and Request for production of documents under Rule 34 filed. h	
7-23-73	Deft.s' Answers to Pltf.s' First Written Interrogatories, filed. v	
7-23-73	Answers & Objections to Pltf.s' Second Written Interrogatories, filed. v	
7-23-73	Deft.s' Answers to Pltf.s' Third Written Interrogatories, filed. v	
7-23-73	Response to Request for Production of Documents Under Rule 34, filed. v	
7-24-73	Order granting extension of time within which defendant shall answer or file objection to Plaintiffs' first, second and third interrogatories under Rule 33 and Request for production of documents under Rule 34 filed. (AEB-J)h -copies mailed-	
7-26-73	Notice of taking depositions, filed. hm	
8-1-73	Plaintiff's motion for order compelling defendants to answer plaintiffs' 1st written interrogatories and 3rd written interrogatories, filed. ds	
8-1-73	Memorandum brief in support of motion for plaintiffs' order compelling defendants to answer 1st and 3rd written interrogatories, filed. ds	
8-1-73	Ordered by the Court that defendants respond to plaintiffs motion for order compelling answers to interrogatories with a responsive brief within ten days of this date. (AEB-J) ds	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
12-3-73	Request by Deft. for Production of Documents under Rule 34, filed.a	
12-3-73	Pltfs' Request for Ruling on Pltfs' Motion for Class Action Determination, filed. a	
12-17-73	Order, filed, sustaining Pltfs' Mot. for Class Action Determination. (AEB-J)v -copies mailed.	
12-17-73	Notice, filed, of pendency of class action, with 3-31-74 as the last day to be excluded from the class. (AEB-J)v -copies mailed.	
12-31-73	Defts' Motion to Vacate Order Sustaining Pltfs' Motion for Class Action Determination, filed.a	
1-2-74	Ordered by the Court that pltfs. are granted 10 days to respond to defts' mot. to vacate order sustaining pltfs' mot. for class action determination. (AEB-J)g	
1-3-74	Request for oral argument by defts., filed. rm <i>copy to be in 3-13</i>	
1-9-74	Pltfs' Response to Mtn. to Vacate Class Action Order, filed.jj	
2-15-74	Motion of pltfs. to compel def. Preferred Sec., to produce documents, filed. rm	
2-15-74	Ordered that def. Preferred Sec. is granted 10 days in which to respond to mo/compel of pltfs. (AEB-J)rm	
2-25-74	Response of defendant preferred security life insurance company of Oklahoma to Plaintiffs' motion to compel production of documents, filed.s	
3-7-74	Motion of atty Michael Kirschner to withdraw as atty. of record, filed.hm	
3-7-74	Plaintiffs' Objection to Motion to Withdraw as Atty of Record, filed by Michael Paul Kirschner. e <i>order report of mo to J</i>	
3-7-74	Plaintiffs' Application for Appointment of Receiver to Take, Keep Possession and Manage the Property of Defendant Preferred Security Corp., filed. e <i>copy to be in 3-13</i>	
3-7-74	Mot. of Defts., Preferred Security Life Insurance Co. of OK, Preferred Security Corp. & the Named Individual Defts. for Temporary Order Staying Litigation, filed. v <i>copy to be in 3-13</i>	
3-11-74	Brief of plaintiff Class in opposition to motion of defendants for temporary order staying litigation, filed. ds	
3-11-74	Brief of plaintiff class in support of application for appointment of receiver to take, keep possession, and manage the property of defendant preferred security corporation, filed. ds	
3-13-74	Brief of Defts. in support of their mot. for temporary order staying litigation, filed. v <i>copy to be in 3-13</i>	
3-29-74	Brief in Support of Motion to Withdraw as Attorney of Record, filed, by Michael Paul Kirschner on behalf of Pref. Sec. Life Ins. Co. e	
4-30-74	Appl. of Joe B. Hunt, Insur. Comm., for Substitution of Parties, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5--7-74	Order, filed, that Joe B. Hunt, Ins. Commr. of Okla., Receiver for Preferred Security Life Ins. Co. be substituted as pty. deft. for Preferred Security Life Ins. Co., and that defts' Mtn. to Vacate Order Sustaining Pltfs' Mtn. for Class Action Determination is hereby overruled; that oral appl. of James R. Jessup on behalf of himself and James Ellison, Boone, Ellison and Smith, is granted and they are hereby withdrawn as counsel for defts; that each deft. (except receiver) shall before 5-13-74, enter his appearance pro se or cause counsel to file entry of appearance on his behalf; that pltfs. and Receiver shall confer and make joint recommendation to the Court re: Modifications of Notice of Pendency of Class Action; pltfs. and Receiver shall on 5-13-74 serve upon defts. copies of recommended modifications of Notice of Pendency etc. and proposed Receiver's notice to policyholders; that the defts. shall on 5-17-74 file with this Court in writing recommendations, suggestions or objections re: recommended modifications of Notice of Pendency, etc. and proposed receiver's Notice to policyholders and on 5-21-74 the Court shall enter an order re: proposed modifications to Notice of Pendency, etc. and re: proposed Receiver's Notice to policyholders. The parties object to all adverse rulings. The objections are noted and are hereby allowed. (AEB-J)jj	
5-9-74	Entry of Appearance of Deryl L. Gotcher, William J. Doyle, III, and Donald B. Atkins on behalf of deft. Maurice C. Fuquay, filed.jj	
5-13-74	Entry of appearance of K. W. Frisby, Defendant, by Harry T. Hudson, filed. ds	
5-13-74	Entry of appearance of Ferrill H. Rogers, Pro Se, filed. ds	
5-13-74	Entry of appearance of Ferrill H. Rogers, for various defendants, filed. ds	
5-13-74	Defendant Rogers motion to stay proceedings, filed. ds	
5-13-74	Brief (letter) of defendant F. H. Rogers, filed. ds	
5-13-74	Defendant F. H. Rogers' motion to certify appeal, filed. ds	
5-13-74	Entry of Appearance of Deryl Gotcher and firm for W. N. Pritchett, filed.jj	
5-13-74	Entry of Appearance of Paul E. Northcutt for deft. McArthur, filed.jj	
5-13-74	Entry of Appearance of Fred S. Nelson for A. L. Bennett & F. Gass, filed. e	
5-15-74	Application for withdrawal of Ferrill H. Rogers for F. Gass, filed.hm 06/9	
5-15-74	Certificate of Service of mailing Notice of Pendency of Class Action (Exhibit "A") and letter to Pref. Sec. Life Ins. Co. policyholders, (Exhibit "B"), filed. e	
5-16-74	Objections of Ferrill H. Rogers, for various defendants, to proposed notice to policyholders, filed. ds	
5-16-74	Objections of Ferrill H. Rogers, for various defendants, to proposed notice of pendency of class action, filed. ds	

(over)

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DATE	PROCEEDINGS	Date Order or Judgment Note
5-17-74	Order, filed (part of application), allowing Ferrill H. Rogers to withdraw as counsel on behalf of F. Gass. (AEB-J)hm (copies mailed)	
5-17-74	Entry of Appearance of Deryl L. Gotcher for defendant Garriott, filed.jj	
5-17-74	Entry of Appearance of Deryl L. Gotcher for defendant H.R. Krob, filed.jj	
5-17-74	Obj. of defts. Fuquay and Pritchett to Proposed Notice of Pendency of Class Action and Mtn. to Stay Proceedings, filed.jj	
5-17-74	Brief in Support of Objection to Proposed Notice of Pendency of Class Action, filed.jj	
5-17-74	Obj. of defts. Garriott and Krob, to Proposed Notice of Pendency of Class Action and Mtn. to Stay Proceedings, (which adopts brief in support of Obj of defts. Fuquay and Pritchett), filed.jj	
5-17-74	Order, filed, overruling motion by defendants for order certifying an appeal under Section 1292(b). (AEB-J)g <i>Order entered</i>	
5-17-74	Order, filed, denying defendants' motion to stay. (AEB-J)g <i>Order entered</i>	
5-17-74	Appl. to Stay Proceedings and Mtn. to Amend Order of 5-7-74, filed.jj	
5-17-74	Obj. to Proposed Notice of Pendency of Class Action, filed.jj	
5-17-74	Mtn. to Certify Appeal, filed.jj	
5-20-74	Order, filed, overruling objections to proposed notice of pendency of class action and motion to stay proceedings filed by M. C. Fuquay and W. N. Pritchett. (AEB-J)g <i>copies mailed</i>	
5-20-74	Order, filed, overruling objections to proposed notice of pendency of class action and denying motion to stay proceedings filed by O. G. Garriott and H. R. Krob. (AEB-J)g <i>copies mailed</i>	
5-20-74	Order, filed, overruling objections to proposed notice of pendency of class action by Ferrill H. Rogers, Preferred Security Corp., Bill D. Ballard, Atkin C. Flett, O. G. Garriott, W. E. Golden, E. Wendell Hurt, H. R. Krob, G. E. McArthur, N. R. Pilgrim and Bob J. Rogers. (AEB-J)g <i>copies mailed</i> .	
5-20-74	Order, filed, denying application to stay proceedings and motion to amend the order of 5-7-74, filed by A. L. Bennett and Floyd Gass. (AEB-J)g	
5-20-74	Order, filed, overruling objections to proposed notice to policy-holders filed by Ferrill H. Rogers, Preferred Security Corporation, Bill D. Ballard, Atkin C. Flett, O. G. Garriott, W. E. Golden, E. Wendell Hurt, H. R. Krob, G. E. McArthur, N. R. Pilgrim and Bob J. Rogers. (AEB-J)g <i>copies mailed</i> .	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-20-74	Order, filed, denying motion to certify appeal filed by A. L. Bennett and Floyd Gass. (AEB-J)g cpies mailed	
5-21-74	Order filed, that proposed notice to policyholders of Preferred Security Life Ins. Co. and notice of Pendency of Class Action, be executed in accordance with past orders of the Court. Objection of Receiver to giving of notice is noted and exception allowed. Objection of plaintiff class to Receiver's proposed notice is noted and exception allowed. (AEB-J) ds copies mailed, by Fred Dorwart.	
5-24-74	Brief in Opposition to Proposed Notice, filed.jj	
5-24-74	Brief of defts. Bennett and Gass in support of proposed notice of pendency of class action, filed. hm	
5-28-74	Response of Plaintiff Class to Deft's Objections to Proposed Notice of Pendency of Class Action, filed.	
5-28-74	Withdrawal of Pltfs' Objection to Motion to Withdraw as Attorney of Record Filed, by Michael Paul Kirschner, filed. e	
5-28-74	Order, filed, directing Joe B. Hunt, Ins. Commr., as Receiver for Preferred Security Life Ins. Co. to make available for inspection and copying by pltfs. each documents described in Pltf. Request for Production of Documents, filed herein 12-3-73. (AEB-J)g cpies mailed	
5-29-74	Order overruling obj. to proposed notice of pendency of class action filed by A. L. Bennett and Floyd Gass, on May 17, 1974. (AEB-J)rm	
5-30-74	Suppl. objs. to mo/compel prod. of documents of Rogers, Pref. Sec., Ballard, Flett, Garriott, Golden, Hurt, McArthur, Pilgrim & B.Rogers, filed. rm	
5-30-74	Order allowing Michael Paul Kirschner to withdraw as attorney of record, filed, (AEB-J) ds copies mailed to all attorneys of record.	
5-31-74	Defendant's Written Interrogatories, filed. e	
6-14-74	Mtn. for Extension of Time in Which to Ans. Int. until 7-15-74, filed. O to J	
6-18-74	Order extending time to answer interrogatories/ filed. (AEB-J) ds	copies mailed
7-12-74	Applic. for Extension of time in which to answer written interrogatories of W. E. Golden to 7-25-74. b O to J	
7-16-74	Order (part of appl.), filed, granting plaintiffs until 7-25-74 to answer interrogs. of W. E. Golden, (AEB-J)g cpies mailed. g	
7-17-74	Named Pltfs' response to supplemental objs. (of certain defs.) to Mot. to compel production of documents, filed.k	
7-30-74	Pltfs' ansers to def's written interrogatories, filed.k	
2-5-75	MO: It is ordered by the Court that Pltf's mot. for order compelling answers to pltfs 1st & 3rd written interrog, filed 8-1-73, and deft.s' supplemental objections to the mot. to compel documents are hereby referred to Magistrate Bradford for hearing & recommendations. (AEB-J)k	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-21-75	Case called for hearing on Pltfs' motion for order compelling Defts to answer portions of pltfs first and third written interrogatories. Parties represented. By agreement of counsel, Defts agree to submit answers to interrogatories to Pltf. within 30 days. Pltf. to prepare Findings & Recommendations & order in 5 days.(MLB-Mag.) b f 4 1 7 6 1 1 1 3 2 2 8	
2-27-75	Pltfs' appl. for Order enforcing Court's prior order to deft. Preferred Security Life to produce documents, filed.k /filed 5-28-74	
2-27-75	Pltfs' fourth written interrog., filed.k	
3-3-75	Findings & Recommend. of Mag. on Pltfs' motion for Order Compelling Defts' to answer Pltfs' first written interrogatories & third written interrogatories, filed.(MLB-MAG)b cps mld	
3-4-75	Entry of appearance by W. Rodney DeVilliers on behalf of F. H. and Bob J. Rogers, W.E. Golden, N.R. Pilgrim, Bill D. Ballard, Atkin C. Flett and E. Wendell Hurt, filed. g	
3-4-75	Response to plaintiffs' appl. for order enforcing order concerning production of documents, filed. g	
3-4-75	Objections to pltfs' fourth written interrogatories, filed. g	
11-18	MO: Case set for hearing on 11-21-75 at 11:00 a.m. (AEB-J)k counsel notified by phone	
11-21	Case called for conference. Parties present. Mr. Dorwart reports that 7 defts. are circulating settlement papers & they should be filed soon. Parties makes statements. Parties have no objections as to Royce Savage being appointed as Special Master. Parties have 10 days to object to addition to notice as to parties who are settling. Receiver to furnish list to Dorwart for mailing of notice w/in 14 days, if no objection are filed.(AEB-J)b	
12-4	MO: It is ordered by the Court that Rodney DeVilliers is granted 5 days from December 5, 1975, to file brief, re: addition to notice as to parties who are settling. copy mld. tc	
12-15	Memo. Brief of Certain Defts. Relating to Proposed Settlement, Notice thereof, and Contents of Notice to Class, filed. lm	
12-17	Response of the Class to Memo. Brief of Certain Defts. Relating to Proposed settlement, notice thereof & contents of notice to class, filed. v	
1976		
1-8	Appl. for Approval of Settlement Agreement filed by pltf.jj	
2-20	Order of Reference to Special Master, filed.(AEB-J)t cps mld	
3-1	MO: Case set for Preliminary PT Conf. on 3-9-76 at 10:00 a.m. (RHS-Special Master)ph Notices mailed.	

CONDT.

DATE

PROCEEDINGS

Date Order or
Judgment Noted

3-9-76

Preliminary pre-trial hrg. held before Special Master, Royce Savage. Parties represented (per minutes). Mr. DeVilliers advises that def. Golden is obtaining new counsel & he will file mo/withdraw as soon as new appearance made. Statements made and objs. by all parties, re proposed settlement and notice to be given to members of class, re settlement with 7 defs. After discussion, final notice and order approved by Special Master and pltf. directed to prepare in proper form and submit for signature, filing and mailing. In regard to pltf. mo/compel ans. to 1st & 3rd written interrogatories of 3/3/75, Special Master adopts F&R of Magistrate filed on 3/3/75 and signs Order sustaining F&R. Appl. of pltf. to enforce Ct.'s prior order of 5/28/74 is granted & Mr. DeVilliers granted permission to inspect documents also. Pltf. to prepare new and proper order. Pltf. withdraws 4th interrogatories and defs. objs. thereto are moot, with pltf. reservikng right to resubmit 4th interrogs. if needed. Pltf. directed to prepare formal Pre-Trial Order re this conf. and submit for signature.(Royce Savage-Special Master)rm (unreported)

3-9 Order, filed, sustaining pltf.'s mo/order compelling defs. to ans. 1st and 3rd written interrogatories.(RHS-Special Master)rm-copies md.

3-11 Pre-Trial Order, filed. (RHS-Sp. Master)rm

3-11 Order, filed, that def. Ins. Commr. as receiver for Preferred Sec., produce for inspection & copying by pltf. & other defs. documents which are subject matter of Ct.'s order of 5/28/74.(RHS-Sp.Master)rm

3-11 Notice of pendency of class action, filed.(RHS-Sp.Master) rm

3-11 Order, filed, that hrg. on Settlement Agreement shall be held at U. S.Courthouse, Tulsa, on Friday, 4/2/76 at 10 a.m.; that notice to members of the Class be mailed not later than 3/18/76; that 3/30/76 is set as last day on which class may elect to be excluded from this action; that 3/30/76 is set as last day for filing of appearances and objections to Settlement Agreement.(RHS-Sp.Master)rm

3-12 Reporter's Transcript of Proceedings had on 11-21-75, Conference before Hon. Allen E. Barrow by Glen R. Dorrough, Reporter, filed. v

3-17 Entry of appearance by Arnold D. Fagin as counsel for def., W. E. Golden, filed. rm

3-17 Motion of Mr. DeVilliers to withdraw as counsel for def., W. E. Golden, filed. rm

3-26 Letter, filed, from Donna Dea Bigelow, wish to be excluded. rm

3-29 Letter, filed, from Joe R. Waldrop, request to be excluded. rm

3-30 Letter, filed, from Mr. & Mrs. Wade Hurt, requesting to be excluded
jj

3-30 Letter, filed, from Terry L. Thomas, requesting to be excluded.jj

3-30 Letter, filed, from Roger & Dorothy Faulkner, requesting to be excluded.jj

3-30 Copy of Order by Royce H. Savage, 3-11-76 and note from Bruce & Joyce Hiltibrand, wishing to be excluded from class action, filed.jj

3-30 Restatement of Objs. to Proposed Settlement by Deft. W. E. Golden, filed.jj

3-31 Obj. to proposed settlement by Bob Rogers, E. Wendell Hurt, Norman R. Pilgrim, Ferrell H. Rogers, Bill D. Ballard & Atkin C. Flett, filed.rm

all copies removed by
Dad. 3/22/76

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-31-76	Letter from Richard E. Carllson, request for exclusion, filed. rm	
3-31-76	Letter from Robert Michael Rogers, request for exclusion, filed. rm	
3-31-76	Letter from Ferrill H. Rogers, request for exclusion, filed. rm	
3-31-76	Order, filed, approving DeVilliers' request to withdraw as atty. for def. W. E. Golden. (R. Savage-Sp. Master) rm - copies mailed	
4-1-76	Letter from Judy (Blackburn) Boggs, request for exclusion, filed. ph	
4-2	Certificate of mailing by Wm. G. Fisher to 'class' of pendency of action, filed. rm	
4-2	Hearing held before Special Master Royce Savage in Judge Barrow's conference room. Appearances for parties made per attached list to minutes. Statements made re settlement agreement and objs. thereto as to 7 defs. only, i.e., Bennett, Fuquy, Garriott, Gass, Krob, McArthur and Pritchett, and def. Paul Ferguson, Receiver for Preferred Sec. Counsel for def. Golden makes oral request to withdraw its objs. to settlement and makes offer of settlement as to def. Golden also. Counsel for remaining defs., Mr. DeVelliers, makes statements re objs. Ct. grants until 4/12/76 for any person not previously requesting to be excluded to file appl. for leave to now be excluded. Ct. approves settlement, subject to disposition of any appls. that may be made by parties who desire to opt out. Ct. approves Golden's req. to settle with other settling defs. under same plan and provisions. As re all remaining defs., pltf. intends to file Mo/SJ against these defs. but it is not advisable by Ct. Defs. granted to 4/23/76 to bring in addl. parties defs. if so desired. Pltf. directed to prepare proper order. (Royce Savage - Special Master) (unreported) rm	
4-8	Letter from Phillip M. Spaulding, request for exclusion, filed. rm	
4-9	Order approving settlement, filed & entered. It is ordered that: proper notice of hrg. held 4-2-76 has been given; that Certificate of Mailing of Wm. G. Fisher filed 4-2-76 is approved; that the proposed Settlement Agreement is approved; that the offer of settlement of deft. W. E. Golden is approved; that the Notice of Pendency of Class Action & notice of hrg. is adequate notice to Pltf Class members of the Golden settlement and that no further notice is necessary; that the objections of the Non-Settling Defts. to proposed settlement are overruled, provided that any member of Pltf. Class who feels he may have received factually incorrect info. from Jim Swank, Sr. or other counsel which caused such member not to elect to be excluded from Pltf. Class, may, on or before 4-12-76, file appl. for permission to elect to be excluded from class; and that Non-Settling defts. shall, on or before 4-23-76, file any mots. for leave to join additional parties, or thereafter be barred therefrom. (RHS-Sp. Master)k cps mld (Settlement is as to defendants: Ins. Commissioner of Okla., Preferred Security Life Ins. Co. of Okla., A. L. Bennett, M. C. Fuquay, O. G. Garriott, F. Gass, H. R. Krob, G. E. McArthur, W. N. Pritchett, and Wm. E. Golden.)	

Sheet #6

D. C. 110A Rev. Civil Docket Continuation

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DATE

PROCEEDINGS

Date Order or
Judgment Noted

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-29-76	MO: The request of W. Rodney DeVilliers, counsel for defts. F. H. Rogers, Bob J. Rogers, N. R. Pilgrim, Bill D. Ballard & Atkin C. Flett, for leave to file a motion with supporting brief within 30 days from this date is granted. (Royce H. Savage, Sp.Master)	
5-17	Appl. of pltf. class for approval of settlement agreement with def., Ferrill H. Rogers, filed. rm	
5-17	Order approving Ferrill H. Rogers' Settlement agreement, filed and entered. (RHS-Sp. Mstr) rm - copies mailed by pltf. atty.	
6-9	MO: Case set for non-jury trial before Royce H. Savage, Special Master, for Monday, June 28, 1976, at 10 a.m. (RHS-Sp.Master) rm - notices mailed	
6-16	MO: Ordered by the Court that non-jury trial set for Monday, June 28, 1976, is reset for Thursday, July 1, 1976, at 10 a.m. (RHS-Sp. Master) notices mailed	
6-29	MO: Ordered by the Court that non-jury trial set for 7/1/76 is passed to be reset on order of the Court. (RHS-Sp. Master) rm - parties notified by F. Dorwart	
6-30	Application of pltf class for approval of settlement agreement w/deft. Kenneth W. Frisby, filed.s	
7-1	MO: Case set for Non-Jury trial and hearing on settlement agreement among pltf. class and defts. K. W. Frisby and receiver, Preferred Security, for Monday, July 26, 1976, at 10:00 a.m. (RHS-Sp. Master) Notices mailed. ph	
7-1	Dismissal as to deft. Preferred Security Life Ins. Co., A. L. Bennett, M. C. Fuquay, O. G. Garriott, F. Gass, H. R. Krob, G. E. McArthur, W. N. Pritchett and William E. Golden, filed. ph	
7-1	Order approving dismissal of above defts., filed and entered. (RHS-Sp. Master) ph cps mld by pltf. atty.	
7-19	Appl. of Fred Dorwart, attorney for pltf., for allowance of legal fees and disbursements, filed. rm	
7-19	Application of named plaintiffs for permission to dismiss action, filed. rm	
7-19	Order, filed, that hrg. on appls. of pltf. for permission to dismiss action and appl. of Fred Dorwart for atty. fees, is set for hrg. for Monday, 8/9/76 at 10 a.m. in conf. room of Chief Judge Barrow; further that notice be served on or before 7/28/76 by counsel for pltf. & proof of notice filed within 5 days following mailing. (RHS-Sp.Master) rm (copies mailed by pltf. counsel	
7-19	MO: Ordered by Special Master that hrg. on settlement agreement among pltf. class and defst. K. W. Frisby and receiver, previously set for 7/26/76 is passed, to be heard at 10 a.m., 8/9/76 in conf. room of Chief Judge. (RHS-Sp.Master) rm - notices	

Sheet 6

DATE '76	PROCEEDINGS	Date Order or Judgment Note
8-9	Case called for hrg. on Pltfs.' appl. to dismiss action as to Preferred Securities, et al., Fred Dorwart's appl. for atty.'s fees and in re to settlement w/deft. K. W. Frisby. Parties present and rep. Re settlement w/Frisby, no objs. stated, Court approves & signs order in open Court. Dorwart files cert. of mailing re notice of this hrg. in open Court. Deft. (DeVilliers) renews mots. to dismiss on basis of jurisdiction, and the Court concludes that it does have jurisdiction. Re Pltfs.' appl. to dismiss as to Preferred Securities, et al., no objs. stated, Ct. sustains appl. & order is signed in open Court. Re appl. of Fred Dorwart for attys. fees, statement heard, no objs. stated, Court approves and signs order in open Court. Court recesses. (Royce Savage, Special Master)v	
8-9	Certificate of mailing re notice of hrg. on this date, fld. v	
8-9	Order, filed and entered, approving Kenneth W. Frisby settlement agreement. (RHS, Spec. Mstr)v	
8-9	Dismissal as to Defts. Preferred Security Corp., Ballard, Flett, Hurt, Pilgrim and Bob J. Rogers, fld. by Pltfs. v	
8-9	Order, filed and entered, approving appl. of named pltfs. for permission to dismiss action. (RHS-Spec. Mstr.)v	
8-9	Order, filed, allowing legal fees and disbursements to atty. for named pltfs. (RHS-Spec Mstr)v and entered	
8-11	Order, filed,/that all orders of the Special Master entered above are hereby accepted and approved. It is further ordered, adjudged and decreed that, in accordance with said order, this cause of action and complaint are hereby dismissed. (AEB-J)s cps. mld.	

Attorneys For Defendants
Continued From pg 1

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